

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday September 22, 2004 at the Stone Harbor Resort, 107 North First Avenue, Sturgeon Bay, WI 54235. The meeting was called to order at 8:30 a.m. All September Board Agenda business was conducted by the Full Board. The meeting adjourned at 2:27 p.m.

PRESENT:

Gerald M. O'Brien, Chairman
Dan Poulson, Vice-Chairman
Jonathan Ela, Secretary
Herb Behnke
Christine Thomas
Duke Welter

ABSENT:

Steve Willett

ORDER OF BUSINESS

Welcome from Sturgeon Bay **Mayor Dennis D. McIntosh**

1. Minutes to be approved.

1.A. Full Board Minutes of August 11, 2004.

Mr. Poulson MOVED, seconded by Mr. Ela approval of the Full Board Minutes of August 2004, as presented. The motion carried unanimously by all members present. Mr. Willett was absent.

1.B. Conference Call Minutes of August 16, 2004.

Mr. Ela MOVED, seconded by Mr. Behnke approval of the Conference Call Minutes of August 16, 2004, as presented. The motion carried unanimously by all members present. Mr. Willett was absent.

1.C. Agenda for September 22, 2004.

Mr. O'Brien – Move item 3.B.13 after 3.B.4 for the presenter.

Secretary Hassett asked that item 7.A. and &7.B after lunch

Mr. Behnke MOVED, seconded by Mr. Poulson approval of the Agenda of September 22, 2004, as amended. The motion carried unanimously by all members present, Mr. Willett was absent.

2. Ratification of acts of the Department Secretary.

2.A. Real estate transactions.

Mr. Behnke MOVED, seconded by Mr. Ela approval of the Real Estate Transactions. The motion carried unanimously by all members present.

3. Operating Committees.

3.A. Air, Waste and Water/Enforcement Committee.

3.A.1. Minutes. There were no Committee minutes for August 2004 since all agenda items were taken up during the Full Board Meeting.

3.A.2. Adoption of revisions to Board Order AM-26-03, changes to NR 404 and NR 484 pertaining to ambient air quality standards for ozone and fine particles. **MODIFICATION TO THE AGENDA**

Larry Bruss, Section Chief, Regional Pollutants and Mobile Sources Section stated the Air Management program seeks to update the ambient air quality standards in ch. NR 404 and to incorporate by reference the appropriate monitoring methodologies in ch. NR 484. USEPA has promulgated a new national ambient air quality standard for ozone. USEPA has also revised the precision of the sulfur oxides and nitrogen dioxide standards. This action will assure that Wisconsin's administrative code is consistent with the national standards. No controversies arose during the comment period or at the public hearing.

Mr. Ela MOVED, seconded by Dr. Thomas approval of Adoption of revisions to Board Order AM-26-03, changes to NR 404 and NR 484 pertaining to ambient air quality standards for ozone. The motion carried unanimously by those members present. Mr. Willett was absent.

3.A.3. Request authorization to hold public hearing for revisions to NR 500 series related to effective recycling programs and related recycling facilities.

Catherine Cooper, Section Chief, Planning and Evaluation, Waste Management Bureau stated the proposed recycling rules revisions will eliminate obsolete language and clarify the original intent and scope of rules related to recycling and recycling services. The last action by the Board on these rules was in 2002, with the passage of the pilot Recycling program; this action did not address other parts of the rules relating to the recycling program or services. Because these revisions will clarify original intent and because the Department has worked extensively with the public in drafting the proposed revisions, we do not anticipate significant controversies from local governments or recycling service providers.

NR 545, which addresses out of state waste, is repealed entirely. Federal courts have determined interstate commerce rules prohibit regulating the flow of waste into Wisconsin as defined in NR 545. The proposed revisions to NR 544 are the result of a six-month stakeholder process. The proposed rules eliminate obsolete language and 1. Confirm the regulatory authority of responsible units to require recycling at all locations in Wisconsin, 2. Address changes in recycling systems and 3. Ensure that materials recovery facilities operate in a manner so as to protect human health and the environment.

Revisions proposed to NR 500 and 502 ensure consistency in definitions and ensure that recycling facilities are operated in a manner as to protect the environment and human health. These revisions also require waste tire processors to obtain a Department plan of operation approval. This requirement was inadvertently removed in 1995. Finally, language is added requiring providers of municipal solid waste collection and transportation services, including recycling services, to comply with and inform their clients of recycling requirements under state and local law.

Mr. Ela asked what is single stream recycling.

Ms. Cooper stated it is collecting all materials in one truck and separating them at the facility.

Mr. Behnke asked why it has not been allowed up until now.

Ms. Cooper stated it has been done on a case by case basis.

Mr. Behnke stated that is a good change. It is more efficient and economically beneficial.

Mr. Ela asked what is a volume-based fees system.

Ms. Cooper stated that if a community didn't recycle at least 25% then there would be a charge per bag of garbage. It didn't work because the recycling program didn't necessarily do the waste collection.

Mr. Ela asked what is the current percentage of recycling.

Ms. Cooper stated that about 40% of waste is recycled including compost.

Mr. Poulson asked if the clean sweep programs continue to operate. Does the Department have a part in the clean sweep program.

Ms. Cooper stated the Department has a small part in it, but it is run at the local level. This rule doesn't mention the clean sweep program.

Mr. Poulson stated he hoped that at some point we would get linked to this program. I would appreciate more information on this.

Mr. Behnke MOVED, seconded by Mr. Welter approval request authorization to hold public hearing for revisions to NR 500 series related to effective recycling programs and related recycling facilities. The motion carried unanimously by all members present. Mr. Willett was absent.

3.B. Land Management, Recreation, and Fisheries/Wildlife Committee.

3.B.1. Minutes. There were no Committee minutes for August 2004 since all agenda items were taken up during the Full Board Meeting.

3.B.2. Approval of Master Plan for Governor Thompson State Park.

Dan Rogers, Landscape Architect, Northeast Region stated that the Governor Thompson State Park Property is 2,187 acres in size, has about 3.5 miles of frontage on Caldron Falls Reservoir and is located in central Marinette County. Proposed development include at 100-unit modern campground, group camping, and rustic walk-in campsites along Caldron Falls Reservoir. Over 20 miles of trails are proposed that would include hiking, bicycling, cross-country skiing, snowshoeing and snowmobiling. Two day-use areas are proposed that would provide access to Woods and Huber Lakes. Both inland lakes are partly within current state ownership and it is proposed that no motors be allowed on either lake from the park. A small existing swimming beach on Woods Lake would be utilized, and a new one on Caldron Falls Reservoir would also

be built. In addition, an existing boat landing on Caldron Falls Reservoir would be improved to provide better water access.

To provide long-term protection of key natural resources and to allow for improved delivery of recreational opportunities the master plan recommends an expansion of the current park boundary by 1,720 acres with a total project boundary of 4,135 acres. This expansion also includes about 200 acres of the Peshtigo River State Forest along the Reservoir and directly west of the park that would be redesignated as state park land. This will enable a slow-no-wake zone that would protect the boat landing and adjacent bays plus allow for remote camping. It is also proposed to shorten the name of Governor Tommy G. Thompson Centennial State Park to Governor Thompson State Park to conform to standard State Park naming protocol. The cost of development and additional property acquisition is estimated at \$5.04 million. When fully developed, it is estimated that over 200,000 visitors a year will enjoy this park resulting in over \$6.5 million a year in local economic impacts.

Mr. Welter asked about deer hunting in the park and will it continue after the park is open.

Mr. Rogers stated that yes, this is the first year hunting is allowed. It will probably continue because right now it's a refuge and the deer stay there and the ecosystem will suffer.

Mr. Behnke stated that he thinks it's a good idea to have the deer plan now rather than later.

Public Appearances

George Bousley, Niagara, Marinette County Board stated that the planning of Gov. Thompson State Park has been a very professional planning process. There is no opposition from the county board or the town of Stevens. It will have a great economic impact on the county and the local area. Please approve the plan as it is.

Andy Malecki, Green Bay, representing himself stated he is a member of the park subcommittee. He thanked Dan Rogers for his cooperation with the subcommittee. We have set up a friends group for the park. We're getting our legal papers together to become a non-profit group. Please approve the master plan.

Steve Corbeille, Marinette, Marinette County stated there is no opposition to this master plan that he knows of. Dan Rogers has kept the county informed. This park will be good for the economy in Northeast Wisconsin.

Mr. Behnke MOVED, Seconded by Mr. Ela approval of Master Plan for Governor Thompson State Park.

Mr. Behnke stated that he had an opportunity to tour the park and it is quite an accomplishment.

The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.3. Revisions to Willow Flowage Master Plan regarding the opening of Iron Gate Road.

Mike Lutz, DNR Attorney stated that in September of 2003, the Board amended the master plan for the Willow Flowage by providing for the opening of the middle gate on Iron Gate Road for the state's nine-day deer gun season. In response to concerns raised by the Wisconsin Chippewa Bands, that the road should be open for the entire Chippewa deer gun season (September-December), the Department entered into negotiations with Chippewa Bands. A compromise was reached in which the gate would be open and the road behind the gate available for vehicular traffic from October 15-December 5.

Tom Schockley, Property Manager, Willow River Flowage stated that there was a public hearing. He stated that 18 comments for the opening of the gate and 6 were against.

Public Appearance

Steve Oestreicher, Harshaw, Chairman, Executive Council of the Conservation Congress stated that he was contacted by two members of the public about having that gate open during the 9-day gun season. There was a public hearing to address the issue. There was a letter sent by a concerned environmental group that stated the Conservation Congress is not following procedure when we did in fact follow the procedures.

Dr. Thomas asked for clarification of the conservation congress procedures. She requested that if editing the policy would make it clearer.

Mr. Behnke agreed with Dr. Thomas that it would be beneficial to clarify the procedures.

Mr. Welter asked if the congress had the opportunity to meet as a whole to discuss this issue.

Mr. Oestreicher stated they did not because the issue was brought up after the spring hearings and the whole group only meets one a year at the conservation congress annual meeting.

Mr. Poulson MOVED, seconded by Mr. Behnke approval of Revisions to Willow Flowage Master Plan regarding the opening of Iron Gate Road.

Mr. Behnke stated that one comment from the public stated that there are some feelings that once a master plan is written it should not be tampered with. However, I believe that there may come a time that a revision is necessary due to public needs or resource management.

Mr. Poulson stated that he agrees.

The motion carried unanimously by all members present. Mr. Willett was absent.

3.B.4. Request authorization to hold public hearing for fishing tournament regulations pertaining to Bass Tournament Pilot Program live well specifications.

Steve Hewett, Section Chief, Fisheries Policy and Operations, Fisheries Management and Habitat Protection Bureau stated the passage of 2003 Wisconsin Act 249 requires the department to promulgate rules to establish a program to authorize and regulate fishing tournaments. The legislation provides the department with the authority to regulate many aspects of fishing tournaments not previously regulated by administrative rule. In addition, Act 249 establishes a bass fishing tournament pilot program that creates a study in which the sorting/culling of bass by tournament anglers in 4 permitted bass tournaments per year is allowed and the impacts are evaluated. Act 249 requires that the department create by rule live well standards that all pilot program boats must meet to be considered for the program. Act 249 also calls for the creation of an advisory committee to advise the department in tournament rule promulgation. The Fishing Tournament Advisory Committee (FTAC) has been created and met in Stevens Point on August 28, 2004 to discuss and recommend live well specifications. Those specifications have been translated into the rule order before you today. Recommended live well standards include: 1) the live well must be an original manufactured part of the boat and have a capacity of at least 25 gallons; 2) the live well must be in working condition and its operation must be demonstrated prior to fishing in the tournament; 3) the live well must be capable of continually pumping freshwater into it; 4) The live well must be capable of holding, re-circulating, and aerating water. The pilot programs sunsets on December 31, 2006, as will the live well standard rules. He also distributed an amendment.

Mr. Welter asked if all the standards and rules will be in place for the 2005 season.

Mr. Hewett stated that the culling rules will be in affect for next year, but then the overall rules will be in affect in a year or so.

Mr. Behnke asked who will do the live well inspections.

Mr. Hewett stated that the tournament organizer will inspect the live wells.

Mr. O'Brien asked if these tournaments are desirable for the state.

Mr. Hewett stated tournaments are becoming more popular. We would like to reduce user conflict.

Dr. Thomas stated that we understand that it is bad policy to have one group of people treated differently than others. There is an equity issue here. We should gather some information about it. Are we intending to do something to follow the fish that are culled?

Mr. Hewett stated that there is research involved. Studies have been done in other areas of the country and there is up to a 30% mortality rate among culled fish.

Dr. Thomas asked fisheries to study the findings and report back to the Board.

Mr. Welter stated that one of the challenges is going to be look at the economic impact versus the resource impact.

Mr. Behnke MOVED, seconded by Mr. Poulson approval of request authorization to hold public hearing for fishing tournament regulations pertaining to Bass Tournament Pilot Program live well specifications. The motion carried unanimously by those members present. Mr. Willett was absent.

3.B.5. INFORMATION ITEM - Wisconsin Statewide Forest Plan.

Teague Prichard, Forest Planner, Forestry Services Bureau stated that since 2001, the Division of Forestry has led the development of Wisconsin's Statewide Forest Plan: Ensuring a Sustainable Future, which is now ready for publication. The Statewide Forest Plan articulates a commonly held vision for sustainable

forestry in Wisconsin, as well as overarching principles and goals. The plan identifies and discusses 52 trends and issues that our partners and publics have prioritized as important to address, and establishes objectives for each trend or issue. Rather than being a DNR-specific plan, the Statewide Forest Plan is considered a plan for all partners and publics who have a stake in the future of sustainable forestry in Wisconsin and who participated in the development of the plan over the last three years.

This agenda item informs the NRB of the pending publications of the plan, as well as next steps, including the Governor's Conference on Forestry in November 2004. This conference will be the first step in the development of action plans to address key objectives of the Statewide Forest Plan. The plan will be published electronically to facilitate the most flexible use of the information for the broadest range of users. An overview of the plan and the planning process will be published in hard copy, directing the reader to the Web-based version.

- 3.B.6. Land & Easement Acquisition North Branch Milwaukee River Wildlife & Farming Heritage Area, Sheboygan County.

Mr. Poulson stated he would like the public to understand what this program involves and requested for an information item on this project.

Dr. Thomas MOVED, seconded by Mr. Welter to approve the land and easement acquisition, North Branch Milwaukee River Wildlife and Farming Area, Sheboygan County. The motion carried unanimously by those members present. Mr. Willett was absent.

- 3.B.7. Land Acquisition, North Branch Milwaukee River Wildlife & Farming Heritage Area, Sheboygan County.

Mr. Welter MOVED, seconded by Mr. Poulson to approve the Land Acquisition, North Branch Milwaukee River Wildlife & Farming Heritage Area, Sheboygan County. The motion carried unanimously by those members present. Mr. Willett was absent.

- 3.B.8. Land Acquisition and Boundary Modification, Clam Lake Wildlife Area, Burnett County.

Mr. Behnke MOVED, seconded by Mr. Welter approval of Land Acquisition and Boundary Modification, Clam Lake Wildlife Area, Burnett County. The motion carried unanimously by those members present. Mr. Willett was absent.

- 3.B.9. Land Acquisition, Glacial Habitat Restoration Area, Winnebago County.

Mr. Ela MOVED, seconded by Mr. Behnke approval of Land Acquisition, Glacial Habitat Restoration Area, Winnebago County. The motion carried unanimously by those members present. Mr. Willett was absent.

- 3.B.10. Land Acquisition, Rush Creek Natural Area, Crawford County.

Mr. Ela MOVED, seconded by Mr. Welter approval of Land Acquisition, Rush Creek Natural Area, Crawford County. The motion carried unanimously by those members present. Mr. Willett was absent.

- 3.B.11. Land Acquisition and Donation, Statewide Wildlife Habitat Area, Waukesha County.

Mr. Behnke MOVED, seconded by Dr. Thomas Land Acquisition and Donation, Statewide Wildlife Habitat Area, Waukesha County. The motion carried unanimously by those members present. Mr. Willett was absent.

- 3.B.12. Land Donation, Statewide Habitat Restoration Area, Dunn County.

Mr. Welter MOVED, seconded by Dr. Thomas approval of Land Donation, Statewide Habitat Restoration Area, Dunn County. The motion carried unanimously by those members present. Mr. Willett was absent.

3.B.13. Request authorization of public hearing for revisions to NR 20 related to trout regulations on Pine River and Melanchton Creek, Richland County. ADDITION TO AGENDA

Steve Hewett stated that following the request from the June NRB meeting, we are requesting to go to public hearings on the revision of trout regulations on the Pine River and Melanchton Creek. In response to a citizen petition, a public meeting was held to discuss the trout regulations and on September 10, the Conservation Congress Trout Committee and the Department agreed to the regulation proposal included here. The proposed changes attempt to meet the desires of the local public whole providing sufficient protection of an important population of native brook trout. The Department goal for Melanchton Creek is to increase the number of adult brook trout sufficient to allow that stream to be used as a brood source stream for the wild brook trout stocking program. The revisions remove the catch and release regulations on the upper Pine river and set that water to the county base regulation of a 3 daily bag limit and 9 inch size limit. The regulation on Melanchton Creek is proposed to change from catch and release to a 5 daily bag limit, of which only 3 may be brook trout, and a 7 inch size limit for brown trout and a 6-9 inch harvest slot for brook trout. Artificial lures are required upstream of STH 80 to protect the brook trout from hooking mortality when using live bait. The STH 80 ridge was deemed necessary to include the important habitat requirements of brook trout. Some of the original petitioners and landowners remain opposed to the current proposal due to the artificial lure only requirement upstream of STH 80.

Mr. Behnke asked if most people are satisfied with these changes.

Mr. Hewett stated there is one particular landowner who is unhappy.

Mr. Behnke MOVED, seconded by Mr. Welter approval of request authorization of public hearing for revisions to NR 20 related to trout regulations on Pine River and Melanchton Creek, Richland County

Mr. Welter stated the way to address these issues going through the process public comment at the spring hearings. I have seen local contention when we should be looking at habitat improvement.

The motion carried unanimously by those members present. Mr. Willett was absent.

4. Committee of the Whole.

4.A. Citizen Participation

Mark Maricque, Green Bay, Lake Michigan Commercial Fishing Board discussed yellow perch. The 2003-year class yellow perch are doing well. He asked the Board to hold public hearings to forgo second year of the sport and commercial bag limit. He has fished 22 days this season and he has average 150 lbs a day. He could average more, but he doesn't have the quota to do that. He believes it is time to move forward.

Mr. Behnke asked if Mr. Maricque is doing monitoring for the DNR.

Mr. Maricque stated that last year there were concerns from the Department staff that they weren't getting the samples in September that they wanted because people were finished fishing. Because of the current quota limits there are only a few fishermen left to take the samples for the Department.

Mr. Welter asked how many yellow perch fishermen are there in the Bay.

Mr. Maricque said there are about 26 individual quota holders on Green Bay. Not all of them participate in yellow perch. They fish white fish or chubbs.

Jeff Nania, Portage, Wisconsin Waterfowl Association asked the Board for a hunting and fishing fee increase. He asked for the following items: 1. the direct field operations of the Department must be funded first. Any increase in revenue will go directly to the cost of field activities. Field staff must be given the tools needed to do their jobs. Those specific needs will be funded as first priority. 2. A thoughtful discussion regarding compatible uses of state-owned or supported property that includes local and statewide representatives of the hunter, angler and trapper community. 3. NR 353 is a new law that allows us to quickly restore wetlands in the state. There is no guidance within the Department asking regulator staff to consider projects under NR 353. 4. He asked for a sliding fee scale for water and wetland related projects.

4.B. Review and approval of the Department's 2005-2007 Biennial Budget, including the 2005-2007 Capital Development Budget.

Joe Polasek, Director, Bureau of Management and Budget stated that the Department's 2005-07 state biennial budget request includes operating budget, capital budget, and environmental Improvement Fund components.

1. The proposed two-year operating budget is \$516.8 million for 2005-06 and \$517.9 million for 2006-07. Of these amounts, about \$205 million annually, or 40% represents local assistance and debt service costs. The remaining \$312 million reflects Department costs to provide services. In total, the two-year budget includes an increase of \$49.9 million over the 2003-05 biennial budget. \$13.5 million of this increase represents cost to continue and debt service items. When cost to continue and debt service are excluded, this budget reflects a 3.7% growth over base.
2. The budget would authorize \$44.0 million for capital development, and \$75.1 million for land acquisition.
3. The biennial Finance Plan for the Environmental Improvement Fund includes an increase of \$9.6 million in general obligation bonding and \$136.6 million in present value subsidy for the Clean Water Fund; an increase of \$6.1 million in general obligation bonding and \$13.5 million in present value subsidy for the Safe Drinking Water Loan Program; and an increase of \$3.3 million in present value subsidy for the Land Recycling Loan Program.

Mr. Behnke stated that there are other entities that have responsibility for the resources, such as CWD and wolf programs. CWD alone is around \$4 million and now wolf depredation payments are coming in. We owe full funding to these programs. Is there any way in which we can approach this concern? Why are you not and how can we make some dent in those who have responsibilities?

Mr. Polasek stated these are going to be some of the comments we get from some of the interest groups and will affect the final budget.

Mr. Behnke stated that between now and December that I hope we aren't going to put the entire burden on the license fee increases.

Mr. O'Brien asked how these decisions made, such as the wolf depredation program.

Mr. Polasek stated that statutorily it is to come from the Bureau of Endangered Resources and CWD funds coming 05-07 wildlife damage surcharge. You could amend the budget to create a funding source, but the money has to come from somewhere.

Mr. Behnke stated that the policy that all depredations be paid in full regardless of where the money comes from. We can't assume that when the money runs out that we will stop paying those claims.

Dr. Thomas stated that we need to take a role in this budget. A disaster like CWD is much more than a DNR issue; it's an agriculture issue. We need ask for GPR funds to deal with emergencies outside of our control.

Public Appearances

George Meyer, Madison Wisconsin Wildlife Federation requested that the Board communicate to the governor in writing the need for the remainder of the hunting, fishing and trapping license fee increases necessary to restore the Fish and Wildlife Account services to the levels that pre-existed prior to the 2003-2005 biennium. He also requested on behalf of the WWF that the NRB communicate in writing to the Governor and ask that the Department be held harmless from this reduction. He stated that the proposed budget doesn't indicate whether the funds requested are sufficient to restore Wisconsin's lakes and streams to meeting state water quality standards in a reasonable period of time. Please ask Department staff whether the funding levels in the budget along with DATCP budget proposals and continued levels of federal and local spending are sufficient for the state to meet federal and state water quality standards in 15 years. Thirty years should not be an acceptable goal.

Mr. Behnke asked what is the WWF recommendation for the wolf depredation and CWD funding.

Mr. Meyer stated that the WWF believes that hunters should not bare the entire burden of CWD and wolf depredation. We need to find those other sources to help fund the programs.

John Hagman, Section Chief, Facilities Management explained the capital budget and policies. This includes Environmental Compliance, facility repair and preventative maintenance, expanded camping opportunities, providing accessibility for all people, addressing region headquarters and service center office needs, property based budgeting, providing adequate storage facilities, adequate funding and control

of roads within DNR property boundaries, fish hatchery maintenance enhancement and compliance, managing historic properties, meeting the demand and need for state nursery stock, implementing ranger station replacement schedule, exploring alternative funding, and implementing environmental education programs.

Mr. Poulson MOVED, seconded by Mr. Behnke approval of the 2005-07 operating and capital budgets, and the Environmental Improvement Fund Biennial Finance Plan with the following amendment: finding sufficient funds needed from GPR dollars to handle the wolf depredation program. With regard to the CWD, the Board will direct staff to develop funding to support our CWD program and return to the December Board meeting with ideas that doesn't take money from the license program. Authorize the Secretary to make technical adjustments as necessary.

Mr. Ela asked for clarification on where the money was coming from.

Mr. Poulson stated the additional, sufficient funds would come from the GPR dollars for wolf depredation and to bring a program forward on CWD that would not be funded with increased license fees at the December meeting.

Mr. Ela doesn't think additional ten Wardens is sufficient to cover the retirements. He asked staff to give an informational briefing at an upcoming meeting.

The motion carried unanimously by those members present. Mr. Willett was absent.

4.C. Retirement Resolutions.

4.C.1. Terence J. Thompson

4.C.2. Thomas J. Jodarski

Mr. Ela MOVED, seconded by Mr. Behnke approval of Retirement Resolutions. The motion carried unanimously by those members present. Mr. Willett was absent.

5. Board Members' Matters.

Mr. Behnke requested the Department to report their findings of yellow perch and what they would like to see at the December meeting.

Mr. Welter requested that Wildlife Management to move the opening on Woodcock back a week. He asked the Department to send a Memo along with a timeline when it could be in affect to Board Members.

Mr. Poulson stated the Board should begin to think about developing a long-term plan for fee structure and increases.

Dr. Thomas asked for a future of hunting and fishing trends information item.

6. Special Committees' Reports.

6.A. Adoption of modifications to the Natural Resources Board agenda and Manual Code Revision Committee Report.

Mr. Welter stated The Natural Resources Board appointed a subcommittee to discuss and propose revisions to the Board's Meeting Agenda and Manual Code 1103.1, entitled "The Organization and Operation of the Natural Resources Board". A special meeting of the subcommittee was held via telephone conference call on Wednesday, July 7, 2004 in room 774B of the State Natural Resources Building (GEF II), 101 South Webster Street, Madison, Wisconsin.

Pursuant to Paragraph IX of Manual Code 1103.1, entitled "Revision", no changes to the manual code provisions may be made unless such action is presented at a regular meeting of the Board and approved by a majority of the members at the next regular meeting of the Board. A green sheet information item presented proposed revisions to the Board Meeting Agenda and Manual Code 1103.1 to the Natural Resources Board for discussion at its August 2004 meeting.

In summary, the proposed revisions to the third paragraph of the Board Meeting Agenda clarifies that notice of agenda items will be given in no case less than 2 hours in advance. Other revisions to the Meeting Agenda, which require corresponding revisions to Manual Code 1103.1, clarify the Order of Business and substantive issues for the Board meetings.

Mr. Welter MOVED, seconded by Mr. Ela adoption of modifications to the NRB agenda and Manual Code Revision Committee Report, except for III.A. and VII.C. The motion carried unanimously by those members present. Mr. Willett was absent.

Ms. Thomas MOVED, seconded by Mr. Behnke to adopt III.A. "The Chairperson may serve no more than three consecutive one-year terms.

Mr. Welter believed that the three consecutive one-year term limits was not necessary. He asked Mr. Behnke to comment on the topic.

Mr. Behnke stated that this term limit sends a message that there are others that are qualified to serve as chairperson. It's a sensitive area since we are such a tight knit group. Another way to handle it is to have nomination by ballot. That way no one is put on the spot.

Mr. Poulson agreed with Mr. Behnke that perhaps a ballot nomination and vote may be a good way to handle elections in the future.

The motion carried 5-1 by those members present. Mr. Willett was absent.

Mr. O'Brien stated that he distributed the following modification to the Board at the last meeting: "Individual Board members shall not serve on committees (other than Board committees) or other groups responsible for formulating proposed rules or rule changes or any other matter, which will require Board action. This policy is not intended to prevent individual Board members from attending meetings or gatherings of such groups for the purpose of obtaining information about the proposed rule or rule change or matter requiring Board action."

Richard Prorise, Director, Legal Services Bureau suggested modifying the language of VII. C. to state: "If an individual Board member actively serves on a committee (other than Board committees) or an other group responsible for formulating proposed rules or rule changes or any other matter, which will require Board action that a Board member shall abstain from voting on that matter when it comes before the Board for action. This policy is not intended to discourage individual Board members from attending meetings or gatherings of such groups for the purpose of obtaining information about the proposed rule or rule change or matter requiring Board action."

Mr. Ela stated there is another option, which is not to vote at the organizational level, but still vote at the Board level.

Mr. Prorise stated that under the language he just presented, it's a choice that the individual Board member makes. They can choose to refrain from actively participating or they can choose to actively participate and then abstain from voting.

Mr. Ela stated he doesn't understand what active participation means. A tangible act is to vote. It seems that if a Board member is an active member of a committee that is discussing policy that is coming to the Board. The participation of offering guidance, information, or suggestions is one level. It's the vote that would be the disqualifying act.

Mr. O'Brien stated there may not be a vote. He agreed with Mr. Prorise's revision. If a Board member belongs to an organization that assists in developing policy, where the Board member pay the membership fee and that's about it, that's nothing wrong with voting on an item like that. But if a Board member is on a committee where I am actively participating in the development of the rule and then it comes before the Board to be voted on. That's a conflict situation because I have been appointed to represent the citizens of the entire state of Wisconsin. If I have been active in the development process, I am not representing all citizens, I am representing a small interest group. We all belong to different groups, but if we accept this job as being a Board Member of the Natural Resource we should accept the responsibilities that come with it. That is come into the voting with an unbiased mind representing everyone and voting on it with a clear conscious.

Mr. Ela asked if this would preclude any kind of involvement in negotiations and discussions within the state government.

Mr. O'Brien stated he believes that would be wrong.

Mr. Ela stated he would like to leave it up to the personal judgement of each member.

Mr. Poulson stated he is concerned the first writing because it was too restrictive. The revised writing give me the chance to decide whether it's appropriate to vote on a particular item.

Mr. Behnke gave two examples to clarify the issue.

Mr. Welter MOVED, seconded by Mr. Poulson to postponed VII.C. until further information is gathered and presented to the Board.

Mr. Behnke stated that the Board working with staff to develop rules is wrong, unless directed by the Board to do so. He asked that the Board be prohibited from working with staff in developing a rule.

Mr. Ela stated he thinks a leap to go from talking with staff or legislators about problems and issues to say you are ignoring the science and making your choice on personal preference. He believes it should be left to each of the Board members judgements as to what's appropriate and what isn't. He believes that being an effective Board member means working with people by being involved in the conceptualization of problem solving. On a couple occasions, I have negotiated with Sen. Panzer about the timing and form of Act 118 rules. He believes that was a constructive thing to do.

Mr. Poulson stated there is a lot to the duty of Boardmanship. He stated he would not act unless asked by the chair. For example, he isn't about to go to a legislator or staff about an issue unless the Chairman asks him. He has served on many Boards and that is the protocol.

The motion carried unanimously by those members present. Mr. Willett was absent.

7. Department Secretary's Matters.

7.A. DONATION - The High Cliff Yacht Club will donate \$138,000 to High Cliff State Park in the form of a handicapped accessible shower/toilet/shelter building at the marina.

Secretary Hassett thanked Roger Behnke and the High Cliff Yacht Club for their generous donation to build a handicapped accessible shower/toilet/shelter building in the marina, the cost of this facility will be \$138,000. The building will offer handicapped toilets and showers for the marina users where the park presently has none. This building will also offer facilities for the handicapped accessible trail in the park. The Yacht Club will donate their hard labor, which is included in the donation. Not only will they build the building they will pay for the operation and up keep of the building. The High Cliff Yacht Club took over the operation of the marina in 1995 as a non-profit organization. This has kept the majority of the profits in the marina as spelled out in the contract. In 2002 the Yacht Club replaced all the docks and upgraded the electric in the marina for a total of \$217,000. The group has been a pleasure to work with and has worked hard to make the marina as a showcase for High Cliff State Park. People from around the state enjoy coming to the marina and using its fine facilities and now they will have the opportunity to have accessible showers and toilets.

Roger Behnke, High Cliff Yacht Club member thanked the Department for giving them the opportunity to operate the marina and return the moneys that are generated from that operation to the facility. He thanked the park staff for their cooperation and support.

Mr. Welter MOVED, seconded by Dr. Thomas approval of donation from The High Cliff Yacht Club for \$138,000 to High Cliff State Park in the form of a handicapped accessible shower/toilet/shelter building at the marina. The motion carried unanimously by those members present. Mr. Willett was absent.

7.B. DONATION – Natural Resources Foundation will donate \$100,000 to the Bureau of Endangered Resources to support the Whooping Crane Project, various State Natural Area projects, and ongoing development of Natural Heritage Inventory Portal.

Secretary Hassett stated the Department gratefully accepts this gift from the Natural Resources Foundation. The gift will provide much-needed funds for the Endangered Resources Program in 3 key areas: Natural Areas Management, Whooping Crane Reintroduction, and the Ongoing Development of the Natural Heritage Inventory Data Portal. The Natural Areas Management donation will be used for natural areas, the gift will allow work to go forward in the La Crosse Area, Door County, and Southeast Wisconsin (Chiwaukee Prairie) and Prairies and savannas will be restored through removal of woody and invasive species and prescribed burning. The Whooping Cranes portion will be used for all whoopers successfully migrate and return to WI next spring, the population will be at 49 birds - possibly 50, if the youngster with flight feather problems is able to rejoin the fall cohort. The Natural Heritage Inventory Data Portal portion will be used to enable the Endangered Resources Program will be able to make the NHI Portal available to

external partners via the Internet. It will also be used for Wisconsin's business community, various units of government, universities, and private conservation organizations will have a fast, accurate, and reliable way to access the wealth of data and information on rare species and natural communities housed in the Bureau of Endangered Resources. We'll all save time and money by using the Portal and have a new tool to conserve Wisconsin's biodiversity. We deeply appreciate this gift from the Natural Resources Foundation and the great partnership that it represents.

Charlie Luthin, Natural Resources Foundation Director stated the Foundation was formed as a friends group for the Department to provide much needed funding where there are shortfalls. Since it's development, the Foundation has donated over \$1 million to the Department.

Ron Semmann, Natural Resources Foundation Chair stated the Foundation was a product of the NRB in 1986. The idea came from some of the Board members. The Foundation has also passed out about 275 grants to local governments for different environmental clean up projects and have conducted over 600 field trips for the citizens of Wisconsin.

Mr. Ela MOVED, seconded by Mr. Behnke approval of a donation from the Natural Resources Foundation for \$100,000 to the Bureau of Endangered Resources to support the Whooping Crane Project, various State Natural Area projects, and ongoing development of Natural Heritage Inventory Portal. The motion carried unanimously by those members present. Mr. Willett was absent.

- 7.C. DONATION – The Friends of Horicon will donate \$6,100 to the Wildlife Management Program to fund a wildlife education position at Horicon Service Center. ADDITION TO THE AGENDA.

Mr. Ela MOVED, seconded by Mr. Poulson approval of a donation from The Friends of Horicon for \$6,100 to the Wildlife Management Program to fund a wildlife education position at Horicon Service Center. The motion carried unanimously by those members present. Mr. Willett was absent.

- 7.D. DONATION - Centerville CARES (Citizens for Air, River and Environmental Solutions) wishes to donate up to \$7,500.00 for monitoring of Fisher and Point Creek in Manitowoc County which flows to Lake Michigan.

Mr. Welter MOVED, seconded by Mr. Ela approval of a donation from Centerville CARES (Citizens for Air, River and Environmental Solutions) wishes to donate up to \$7,500.00 for monitoring of Fisher and Point Creek in Manitowoc County which flows to Lake Michigan. The motion carried unanimously by those members present. Mr. Willett was absent.